UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,768	01/23/2001	David R. Hanson	MSFT-0234/155631.1	2726

41505	7590	05/18/2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER
ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/767,768	HANSON, DAVID R.
	Examiner	Art Unit	
	Trent J. Roche	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communications filed 13 January 2005.

2.   Per applicant's request, amended claims 1, 4, 9 and 18 have been entered. Claims 1-18 are

now pending.

3.   Claims 1-18 have been examined.

Response to Arguments

4.   Applicant's arguments, see pages 7-11 of the Remarks, filed 13 January 2005, with respect to

the rejection(s)of claim(s) 1-18 under 35 U.S.C. § 103(a) to Breslau et al in view of Morton have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However,

upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject
> matter which the applicant regards as his invention.

6.   Claims 9 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

7.   Claims 9 and 18 recite the limitation "the remote server" in line 13 and lines 9-10,

respectively. There is insufficient antecedent basis for this limitation in the claim. Part (b) of the

claim states that a determination takes place as to whether the file identifier is a URL. If it is found

to be a URL, a data file is retrieved from a remote server, however, if it is not a URL, the data file is

retrieved from the storage medium. However, the next line states that the application software

component begins "processing the data file before the data file has been completely retrieved from

the remote server," (claim 9, similarly recited in claim 18) thereby raising indefiniteness in the claim.

If the file identifier is not a URL, then a remote server is not accessed, and therefore, the limitation

regarding processing the data file before the data file has been completely retrieved from the remote

server lacks antecedent basis and is indefinite. Further, the lines regarding the ability to retrieve "the

data file from a remote server using the file identifier operates by transmitting to the remote server

said file identifier..." (claim 9, similarly recited in claim 18) is similarly indefinite as it is not clear

whether this step is supposed to occur whether the file identifier is a URL or not. For purposes of

examination, the claims will be interpreted to be such that if the file identifier is not a URL, none of

the steps relating to the remote server will be performed.

Claim Objections

8.   Applicant is advised that should claim 10 be found allowable, claim 11 will be objected to

under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are

duplicates or else are so close in content that they both cover the same thing, despite a slight

difference in wording, it is proper after allowing one claim to object to the other as being a

substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 4, 5, 7, 9-14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 6,771,619 to Chandramohan et al., hereafter referred to as Chandramohan, in view

of "Reading CGI Data: url-encoding and the CGI protocol" by Morton.

Per claims 4, 5, 9 and 18:

Chandramohan discloses:

- a computer-based method for executing an application on a client computer, the application

    functioning to process file data stored on a remote server, the file data stored on the remote

    server computer being accessible via web protocols ("a method, system, and apparatus for

    distributing and using portions of a computer-based application over a network, such as the

    Internet" in the abstract)

- accepting a manually specified execute command, an I/O software component functioning

    to accept a file identifier, executing a procedure corresponding to the execute command, the

    procedure manipulating the file data on the client computer ("a user may initiate the use of

    an application…and thereby initiate the operation of the 3-serve client modules…the e-serve

    client modules may initialize network connection information for purposes such as

    establishing network connections between the server and the client…such as a TCP/IP

    socket…" in col. 7 lines 33-41.)

- retrieving the file data using the file identifier from the remote server computer to the client

    computer using the web protocols without executing a manually specified download

    command ("the e-serve server module identifier and locates the application

file…Then…opens the application file…At this point, the e-serve server module may not

communicate e-serve information about the application file to the 3-serve client

modules…Communicating e-serve information about the application file enables

transmission via streaming of the code chunks…required for execution of the

application…" in col. 7 line 59 to col. 8 line 4)

- manipulation of the file data on the client computer begins before the file data has been

completely downloaded to the client computer ("streams non-sequentially ordered code

chunks thereby enabling overlapping of access to and transmission of code chunks with the

execution of other code chunks…" in col. 8 lines 32-35)

substantially as claimed. While Chandramohan discloses accessing the remote server via Internet

protocols, it is not explicitly disclosed that the identifier is a URL, and that the identifier of the

executable code is transmitted with at least one parameter used by the executable code to derive the

file data. Morton discloses that it was well known in the art at the time the invention was made to

use a URL to point to an executable CGI script along with parameters used by the executable script

("If you append a question mark (?) to the url of your script, then any characters after the question

mark will be passed to your script…" on pages 1 and 2, section titled The Query_String and Method

Get). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to utilize a URL with CGI parameters during the steps of requesting e-serve information from

the e-serve server via the Internet, as this would enable utilization of well established Internet

standards and allow a user to access remote files stored in a database by specifying parameters to a

CGI script on the remote server.

Per claims 7 and 16:

Chandramohan further discloses the application being a word processor as claimed ("may be an

editing application…" in col. 6 lines 60-61)

Per claims 10-13:

Chandramohan further discloses an Operating System I/O API, and further a Windows Operating

System as claimed (Note Figure 1C, item 111 and the corresponding sections of the disclosure. "the

functions of the O.S…" in col. 3 line 62. Further, "Windows operating system…" in col. 5 line 48).

Chandramohan does not explicitly disclose a Windows 2000 operating system as claimed. Official

Notice is taken that at the time the invention was made, Windows 2000 was a common operating

system well known to one of ordinary skill in the art. As such, one of ordinary skill in the art at the

time the invention was made would choose to utilize Windows 2000 as the operating environment

for the system disclosed by Chandramohan for the purposes of utilizing the invention disclosed by

Chandramohan on the more recent operating system environment available at the time.

Per claim 14:

Chandramohan further discloses a hard disk drive as claimed ("hard disk drive…" in col. 4 line 46)

11.   Claims 1-3, 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,771,619 to Chandramohan et al., hereafter referred to as Chandramohan, in view of

"Reading CGI Data: url-encoding and the CGI protocol" by Morton, further in view of "Reducing

the overhead of dynamic compilation" by Krintz et al., hereafter referred to as Krintz.

Per claim 1:

Note the rejection regarding claim 4, wherein it was shown that the combination of Chandramohan in view of Morton rendered obvious the required limitations. With regards to claim 1, the claim recites a specific implementation regarding a compiler. Neither Chandramohan nor Morton disclose the implementation of a compiler. Krintz discloses a system with the ability to overlap compilation with computation of an application which can be extended to a mobile environment (Note pages 728-734, Sections titled "Background Compilation" and "Related Work"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement an overlapping compilation system as disclosed by Krintz with the streaming application method of Chandramohan modified by Morton, as this would reduce compilation overhead in a network compiler system, as disclosed by Krintz on page 728.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Chandramohan discloses C source code as claimed ("a high-level programming language such as 'C'" in col. 5 lines 33-34)

Per claim 3:

The rejection of claim 1 is incorporated, and further, note the rejection regarding claims 4 and 5.

Per claim 6:

The rejection of claim 4 is incorporated, and further, note the rejection regarding claim 1.

Per claim 15:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 1.

12.   Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

6,771,619 to Chandramohan et al., hereafter referred to as Chandramohan, in view of "Reading CGI

Data: url-encoding and the CGI protocol" by Morton, further in view of U.S. Patent 6,654,794 to

French.

Per claim 8:

The rejection of claim 4 is incorporated, and further, neither Chandramohan nor Morton explicitly

disclose the application being a financial tracking software. French discloses in an analogous remote

file inclusion system a client application consisting of a database program ("a client application,

which may comprise, for example, a...database program" in col. 4 line 66-67 to col. 5 line 1. A

financial tracking program accesses databases, and as such is considered a database program.). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

use the remote streaming methods of Chandramohan modified by Morton with the database

application of French, as this would enable a user to access documents at a centralized location,

thereby reducing the amount of local storage space needed on the client device disclosed by

Chandramohan modified by Morton.

Per claim 17:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 8.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's
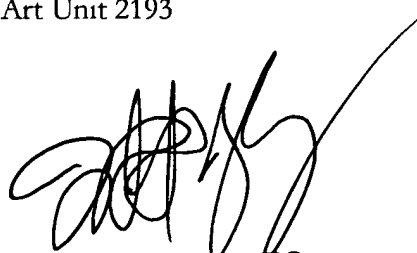
disclosure.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Trent J. Roche whose telephone number is (571) 272-3733. The examiner can

normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where

this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2193

TJR

TODD INGBERG
PRIMARY EXAMINER